

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 PA-02 PRS-01 USIA-15 JUSE-00 L-03 H-02

SS-15 NSC-05 /056 W

-----100259Z 119215 /66

P 081810Z JAN 77

FM AMCONSUL WINNIPEG

TO AMEMBASSY OTTAWA PRIORITY

INFO SECSTATE WASHDC PRIORITY 1793

UNCLAS WINNIPEG 0007

E.O. 11652: N/A

TAGS: PGOV, EGEN, CA

SUBJ: EDITORIAL REACTION TO SASK PREMIER'S SPEECH IN TORONTO

ABOUT ROLE OF CANADIAN SUPREME COURT

1. IN JAN 7 EDITORIAL, WINNIPEG FREE PRESS CRITICIZES SASKATCHEWAN PREMIER BLAKENEY'S RECENT ADDRESS (COPIES BEING POUCHED TO ADDRESSES) TO TORONTO CANADIAN CLUB FOR SUGGESTING THAT SUPREME COURT OF CANADA SHOULD CONSIDER POLITICAL CONSEQUENCES OF THEIR DECISIONS -- IN THIS CASE, IN OIL COMPANY CHALLENGE TO PROVINCIAL ROYALTIES SYSTEM.

2. ON THE SUBJECT OF THE COURT, MR. BLAKENEY HOLD THE CONSERVATIVE VIEW THAT JUDGES SHOULD SEARCH FOR MEANING IN THE CONSTITUTION, BUT SHOULD NOT SEEK TO CHANGE IT IN THE AMERICAN FASHION. FOR EXAMPLE, MR BLAKENEY HAS NOTED DISAPPROVINGLY THAT THERE IS AN 'AGRESSIVE CENTRAL GOVERNMENT AND AN ACTIVE, CENTRALIST SUPREME COURT' IN THE UNITED STATES.

3. NONETHELESS, HE ADMONISHED THE JUDGES THAT 'AN ADVERSE DECISION (IN THE ROYALTIES CASE) WILL BE A TELLING BLOW AGAINST ALL THE PROVINCES A VICTORY FOR CENTRALIST POWER AND A DEFEAT FOR FEDERALISM.....A SIGNAL TO ALL THAT THE SUPREME COURT IS REWRITING OUR CONSTITUTION.' WARNING THAT THE QUEBEC SEPARATIST GOVERNMENT IS WATCHING, MR BLAKENEY ASKS: 'WHAT COULD BE MORE UNCLASSIFIED

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DAMAGING TO OUR FUTURE AS A UNITED CANADA AT THIS POINT IN TIME THAN A CHANGE IN INTERPRETATION OF THE CONSTITUTION WHICH LIMITS, ERODES OR CIRCUMSCRIBES PROVINCIAL JURISDICTION OVER RESOURCES?'

4. EDITORIAL CALLS THIS A QUESTIONABLE TACTIC, AND POINTS OUT INTERNAL CONTRADICTION IN BLAKENEY'S ARGUMENT. '...ON THE ONE HAND HE INSISTS OUR COURT MUSTN'T BE LIKE ITS AMERICAN COUNTERPART WHICH,

TO AN EXTENT TAKES POLITICAL CONSIDERATIONS INTO ACCOUNT. ON THE
OTHER, HE ADMONISHES THE JUDGES TO CONSIDER THE POLITICAL CONSEQUENCES OF THEIR ACTIONS.'
HUTSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, SUPREME COURT, SPEECHES
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Copy: SINGLE
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Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770008-0557
Format: TEL
From: WINNIPEG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770168/aaaachrk.tel
Line Count: 66
Litigation Code IDs:
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
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Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3636906
Secure: OPEN
Status: NATIVE
Subject: EDITORIAL REACTION TO SASK PREMIER'S SPEECH IN TORONTO ABOUT ROLE OF CANADIAN SUPREME COURT
TAGS: PGOV, EGEN, CA
To: OTTAWA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2c02b7db-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009